

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  D. EDWARD HAYS, #162507 ehays@marshackhays.com LAILA MASUD, #311731 lmasud@marshackhays.com MARSHACK HAYS LLP 870 Roosevelt Irvine, California 92620 Telephone: (949) 333-7777 Facsimile: (949) 333-7778  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: RICHARD A. MARSHACK, Trustee	FOR COURT USE ONLY
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<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b>	
In re: RUBY'S DINER, INC., a California corporation, et al., Debtor.  Affects: XX ALL DEBTORS <input type="checkbox"/> RUBY'S DINER, INC., ONLY <input type="checkbox"/> RUBY'S SOCAL, DINERS, LLC, ONLY <input type="checkbox"/> RUBY'S QUALITY DINERS, LLC, ONLY <input type="checkbox"/> RUBY'S HUNTINGTON BEACH, LTD. ONLY <input type="checkbox"/> RUBY'S LAGUNA HILLS, LTD. ONLY <input type="checkbox"/> RUBY'S OCEANSIDE, LTD, ONLY <input type="checkbox"/> RUBY'S PALM SPRINGS, LTD. ONLY Debtor(s).	CASE NO.: 8:18-bk-13311-SC  CHAPTER: 7  (Jointly Administered with Case Nos.: 8:18-bk-13197-SC; 8:18-bk-13198-SC; 8:18-bk-13199-SC; 8:18-bk-13200-SC; 8:18-bk-13201-SC; 8:18-bk-13202-SC)  <b>AMENDED NOTICE OF SALE OF ESTATE PROPERTY</b>

<b>Sale Date:</b> 10/30/2020	<b>Time:</b> 10:00 am
<b>Location:</b> CourtCall or Zoom.Gov *	

**Type of Sale:** ☒ Public ☐ Private **Last date to file objections:** 10/16/2020 - Contact Trustee if additional time is necessary.

**Description of property to be sold:** All assets of the Debtors' Estates including, but not limited to: 1. Marks & Intellectual Property; 2. Licensing Agreement; 3. Lease Assets; 4. Ruby's Diner, Inc.'s 50% interest in Ruby's South Coast Plaza; and 5. FF&E of the various restaurant debtors including Ruby's Huntington Beach, Ltd. and Ruby's Oceanside, Ltd. Sale EXCLUDES, cash on hand.

**Terms and conditions of sale:** Trustee is actively soliciting bids for any or all of the Estates' assets. Any offer accepted prior to hearing will be subject to overbid, filed with the Court, and will constitute the initial bid. Any interested bidder is encouraged to obtain a copy of the Motion and contact the RDI Trustee's counsel prior to the hearing. The Assets will be sold subject by auction ("Auction") to be conducted by Trustee in Court, at the time that this Motion is heard. Unless a proposed agreement is filed prior to hearing, the Auction will be subject to undisclosed reserves.

**Proposed sale price:** To Be Determined \_\_\_\_\_

**Overbid procedure (if any):** See Motion for complete details. No financing or any other contingency fee.

Minimum increment for each successive bid shall be at least \$25,000; Auction winner must tender a non-refundable \$250,000 deposit at the conclusion of the Auction; "as-is," "where-is," "with all faults," and without any reps or warranties.

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

Hearing

Date: October 30, 2020

Time: 10:00 a.m.

Ctrm: Virtual

Location: Zoom.Gov\*

\*Except as may be otherwise ordered by the Court, all hearings through the end of 2020 before Judge Clarkson will be conducted remotely using CourtCall or ZoomGov. The Court's default will be CourtCall, unless specifically noted otherwise in the Court's tentative.

**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

D. EDWARD HAYS

ehays@marshackhays.com

LAILA MASUD

lmasud@marshackhays.com

MARSHACK HAYS LLP

870 Roosevelt

Irvine, California 92620

Telephone: (949) 333-7777

Facsimile: (949) 333-7778

Date: 10/15/2020

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **AMENDED NOTICE OF SALE OF ESTATE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **October 15, 2020**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On **October 15, 2020**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**[PURSUANT TO JUDGE CLARKSON'S REVISED INTERIM PROCEDURES RE: COVID-19,  
NO JUDGE'S COPIES ARE REQUIRED THROUGHOUT THE END OF 2020.]**

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 15, 2020  
Date

Cynthia Bastida  
Printed Name

/s/ Cynthia Bastida  
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **ATTORNEY FOR DEBTOR RUBY'S DINER, INC., A CALIFORNIA CORPORATION; INTERESTED PARTY DOUGLAS CAVANAUGH; AND INTERESTED PARTY RALPH KOSMIDES:** Leo A Bautista leo.bautista@lewisbrisbois.com, mona.jackson@lewisbrisbois.com; Chris.Rodriguez@lewisbrisbois.com, ralphk@cox.net, dcavanaugh@bcccmgmt.com
- **ATTORNEY GEORGE B BLACKMAR:** George B Blackmar gblackmar@bpslaw.net
- **ATTORNEY FOR CREDITOR STAR-WEST PARKWAY MALL, LP:** Dustin P Branch branchd@ballardspahr.com, carolod@ballardspahr.com; hubenb@ballardspahr.com
- **ATTORNEY FOR INTERESTED PARTY PETER MASTAN:** Christopher Celentino chris.celentino@dinsmore.com, caron.burke@dinsmore.com; SDCMLFiles@DINSMORE.COM
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- **INTERESTED PARTY COURTESY NEF:** Ashleigh A Danker Ashleigh.danker@dinsmore.com, SDCMLFiles@DINSMORE.COM; Katrice.ortiz@dinsmore.com; caron.burke@dinsmore.com
- **ATTORNEY FOR CREDITOR US FOODS, INC:** Aaron Davis aaron.davis@bryancave.com, kat.flaherty@bryancave.com
- **INTERESTED PARTY COURTESY NEF:** Caroline Djang caroline.djang@bbklaw.com, C190@ecfcbis.com; sansanee.wells@bbklaw.com; wilma.escalante@bbklaw.com
- **ATTORNEY FOR CREDITOR SAN DIEGO COUNTY TREASURER-TAX COLLECTOR:** Laura E Dolan LAURA.DOLAN@SDCOUNTY.CA.GOV, odette.ortega@sdcounty.ca.gov; kristen.howard@sdcounty.ca.gov
- **ATTORNEY ALAN FRIEDMAN and ATTORNEY FOR CREDITOR STEVEN L CRAIG:** Alan J Friedman afriedman@shulmanbastian.com, lgauthier@shulmanbastian.com
- **ATTORNEY FOR INTERESTED PARTY RUBY'S FANCHISE SYSTEMS, INC., A CALIFORNIA CORPORATION:** Eric J Fromme efromme@tocounsel.com, lchapman@tocounsel.com
- **ATTORNEY FOR INTERESTED PARTIES DOUGLAS CAVANAUGH AND RALPH KOSMIDES:** Maria L Garcia Maria.L.Garcia@lewisbrisbois.com
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- **INTERESTED PARTY COURTESY NEF:** Steven T Gubner sgubner@bg.law, ecf@bg.law
- **ATTORNEY FOR CREDITOR OPUS BANK:** David M. Guess guessd@gtlaw.com
- **ATTORNEY FOR U.S. TRUSTEE UNITED STATES TRUSTEE (SA):** Michael J Hauser michael.hauser@usdoj.gov
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR MARVI LAND:** Samy Henein samyhenein@aol.com, az@suppalaw.com
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- **ATTORNEY FOR OTHER PROFESSIONAL DONLIN RECANO & COMPANY, INC.:** Lillian Jordan ENOTICES@DONLINRECANO.COM, RMAPA@DONLINRECANO.COM
- **INTERESTED PARTY COURTESY NEF:** David S Kupetz dkupetz@sulmeyerlaw.com, dperez@sulmeyerlaw.com; dperez@ecf.courtdrive.com; dkupetz@ecf.courtdrive.com
- **ATTORNEY FOR PACHULSKI STANG ZIELH & JONES LLP, CREDITOR OPUS BANK, DEBTOR RUBY'S DINER, INC., A CALIFORNIA CORPORATION; DEBTOR RUBY'S HUNTINGTON BEACH, LTD., A CALIFORNIA LIMITED PARTNERSHIP; DEBTOR'S RUBY'S LAGUNA HILLS, LTD., A CALIFORNIA LIMITED PARTNERSHIP; DEBTOR RUBY'S OCEANSIDE LTD., A CALIFORNIA LIMITED PARTNERSHIP; DEBTOR RUBY'S PALM SPRINGS, LTD., A CALIFORNIA LIMITED PARTNERSHIP; DEBTOR RUBY'S QUALITY DINERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY; DEBTOR RUBY'S SOCIAL DINERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY:** William N Lobel wlobel@pszjlaw.com, nlockwood@pszjlaw.com; jokeefe@pszjlaw.com; banavim@pszjlaw.com

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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- **TRUSTEE RICHARD A MARSHACK (TR):** Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titlexi.com
- **ATTORNEY FOR CREDITORS FAMILY TREE PRODUCE, INC.; SUNRISE PRODUCE, INC.; INTERESTED PARTY LOWEY ENTERPRISES dba SUNRISE PRODUCE, A CALIFORNIA CORPORATION:** Robert S Marticello Rmarticello@swelawfirm.com, gcruz@swelawfirm.com; lgarrett@swelawfirm.com; jchung@swelawfirm.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK:** Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR OPUS BANK:** Jessica G McKinlay mckinlay.jessica@dorsey.com
- **ATTORNEY FOR INTERESTED PARTY PILLSBURY WINTHROP SHAW PITTMAN LLP:** Malcolm D Minnick dminnick@pillsburylaw.com, m.minnick@comcast.net
- **ATTORNEY FOR DEBTOR RUBY'S DINER, INC., A CALIFORNIA CORPORATION:** Jeffrey P Nolan jnolan@pszjlaw.com
- **ATTORNEY FOR CREDITOR THE IRVINE COMPANY:** Ernie Zachary Park ernie.park@bewleylaw.com
- **ATTORNEY FOR CREDITOR GRIT DEVELOPMENT, AGENT FOR PLAZA MERCADO, LLC:** Thomas J Polis tom@polis-law.com, paralegal@polis-law.com; r59042@notify.bestcase.com
- **ATTORNEY FOR INTERESTED PARTY LOVEE D SARENAS:** Lovee D Sarenas lovee.sarenas@lewisbrisbois.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **UNITED STATES TRUSTEE (SA):** United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- **ATTORNEY FOR CREDITOR PILLSBURY WINTHROP SHAW PITTMAN LLP:** Matthew S Walker matthew.walker@pillsburylaw.com, renee.evans@pillsburylaw.com, docket@pillsburylaw.com
- **INTERESTED PARTY COURTESY NEF:** Corey R Weber ecf@bg.law, cweber@bg.law
- **ATTORNEY FOR CREDITOR US FOODS, INC.:** Sharon Z. Weiss sharon.weiss@bclplaw.com, raul.morales@bclplaw.com
- **INTERESTED PARTY COURTESY NEF:** Christopher K.S. Wong christopher.wong@arentfox.com, yvonne.li@arentfox.com

**2. SERVED BY UNITED STATES MAIL: CONTINUED:**

**MAIL REDIRECTED TO TRUSTEE DEBTOR**

RUBY'S DINER, INC., A  
CALIFORNIA CORPOR  
4100 MACARTHUR BLVD.  
SUITE 310  
NEWPORT BEACH, CA 92660-2050

**MAIL REDIRECTED TO TRUSTEE DEBTOR**

RUBY'S SOCAL DINERS, LLC, A  
DELAWARE LI  
4100 MACARTHUR BLVD STE 310  
NEWPORT BEACH, CA 92660-2050

**MAIL REDIRECTED TO TRUSTEE DEBTOR**

RUBY'S QUALITY DINERS, LLC, A  
DELAWARE  
4100 MACARTHUR BLVD. STE 310  
NEWPORT BEACH, CA 92660-2050

**MAIL REDIRECTED TO TRUSTEE DEBTOR**

RUBY'S HUNTINGTON BEACH,  
LTD., A CALIFO  
4100 MACARTHUR BLVD STE 310  
NEWPORT BEACH, CA 92660-2050

**MAIL REDIRECTED TO TRUSTEE DEBTOR**

RUBY'S LAGUNA HILLS, LTD. A  
CALIFORNIA  
4100 MACARTHUR BLVD. STE 310  
NEWPORT BEACH, CA 92660-2050

**MAIL REDIRECTED TO TRUSTEE DEBTOR**

RUBY'S OCEANSIDE LTD., A  
CALIFORNIA LIM  
4100 MACARTHUR BLVD STE 310  
NEWPORT BEACH, CA 92660-2050

**MAIL REDIRECTED TO TRUSTEE**  
**DEBTOR**

RUBY'S PALM SPRINGS, LTD., A  
CALIFORNIA  
~~4100 MACARTHUR BLVD STE 310~~  
~~NEWPORT BEACH, CA 92660-2050~~

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